REMARKS

Favorable consideration of this Application as presently amended and in light of the following discussion is respectfully requested.

After entry of the foregoing Amendment, Claims 195-202 are pending in the present Application. Claims 1-194 have been canceled without prejudice or disclaimer. Claim 202 is new. Claims 195-198 and 201 have been amended to address cosmetic matters of form. In this regard, Applicant notes that the claims have been amended to make it clear that they do not recite means-plus-function claim limitations. Support for new Claim 202 can be found, at least, at pages 29-35. No new matter has been added.

By way of summary, the Official Action presents the following issues: Claims 195-201 stand rejected under 35 U.S.C. §103 as being unpatentable over Kalra et al. (U.S. Patent No. 6,490,627, hereinafter Kalra) in view of Ginter et al. (U.S. Patent No. 6,658,568, hereinafter Ginter).

REJECTION UNDER 35 U.S.C. § 103

The Official Action has rejected Claims 195-201 under 35 U.S.C. § 103 as being unpatentable over Kalra in view of Ginter. The Official Action cites Kalra as disclosing all of the aspects of the Applicants' claimed invention, with the exception of distributing content wherein the content includes auxiliary data items having an effective reproduction date. The Official Action cites Ginter as disclosing this more detailed aspect of the Applicant's invention and states that it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the cited references for arriving at the Applicant's claims. Applicant respectfully traverses the rejection.

Amended Claim 195 recites, *inter alia*, a data-providing system, including:

> an edit control section configured to perform an operation on the attributes of <u>each program data and auxiliary data items</u>, thereby automatically assembling new data; and
> a second data-transmitting section configured to select the auxiliary data items to be <u>inserted into the program data</u> in accordance with the new data assembled by the edit control section, thereby to transmit a continuous stream of content data that includes multimedia content groups, each composed of the program data and the auxiliary data items, wherein at least one of the auxiliary data items include an effective reproduction date. (emphasis added)

By way of background, multimedia content is increasingly delivered in a streaming format over such network mediums as the Internet. In such implementations, "on demand" programming provides a way in which users can access content corresponding to their specific interest and needs. However, presently, multimedia servers must store a great amount of material in order to meet the varying demands and interests of users.[1]

In light of, at least, the above deficiencies in the art, the present invention is provided. With, at least, this object in mind, a brief comparison of the claimed invention, in view of the cited references, is believed to be in order.

<u>Kalra</u> describes a system for delivering a plurality of compressed multimedia streams to a user. As shown in Fig. 1, multimedia data (12) is provided as a plurality of scalable digital streams (14) based upon the operation of a transcoder (10). These digital streams include MPEG, and a variety of well-known compressed formats for digital video, 3D graphics and digital audio.[2] As shown more specifically in Fig. 2A, the stream data is provided to a stream management module (20). The stream management module obtains a desired resolution profile from a multimedia device (22). Based upon the desired resolution profile of the multimedia device, the stream management module selects an appropriate base

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[1] Application at pages 1-2.
[2] <u>Kalra</u> at column 3, line 66 through column 4, line 12; Fig. 1.

stream and additive stream from the available adaptive digital data streams. In this way,

stream data is delivered to the multimedia device in accordance with its resolution profile.

Conversely, in an exemplary embodiment of the Applicant's invention, content data is

provided from a data transmitting section; the content data includes multimedia content

groups, each including programming data and auxiliary data. An editing control section is

provided to perform an operation on the attributes of each program data and auxiliary data

items. In this manner, a program stream having attributes corresponding to the editing

process may be provided to a user. In this regard, Claim 195 specifically recites editing:

> . . . the attributes of each program data and auxiliary data items,
> thereby automatically assembling new data.

As can be appreciated, the editing interaction in the delivery of multimedia content

enables customization of the program data based upon the profile of the user. For example, if

the multimedia content is a guide teaching how to prepare an annual income report, the

delivery of this content may be revised based upon the user having a special interest in profit

handling of real estate transactions. Likewise, the user may receive a stock market report

centering on a specific stock he or she owns.[3]

As Kalra simply describes matching an available digital stream in accordance with a

resolution profile of a multimedia device, it cannot be said to disclose or suggest an editing

control section for editing program data and inserting auxiliary data items corresponding to

the edit process into the program data, as recited in Applicants' amended Claim 195 and any

claim depending therefrom. As Ginter does not remedy the deficiencies discussed above,

Applicant respectfully submits that a *prima facie* case of obviousness has not been presented.

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[3] Application at page 73.

Accordingly, Applicants respectfully request that the rejection of Claims 195 – 201 under 35

U.S.C. § 103 be withdrawn.

NEW CLAIM

New Claim 202 recites a more detailed aspect of the Applicant's invention in which

auxiliary data includes a rights assignment permission. These permissions provide a

management of how auxiliary data is edited and/or shared. As the cited references do not

disclose this feature, Applicant respectfully submits that this new claim is allowable over the

cited references.

CONCLUSION

Consequently, in view of the foregoing amendment and remarks, it is respectfully

submitted that the present Application, including Claims 195-202, is patently distinguished

over the prior art, in condition for allowance, and such action is respectfully requested at an

early date.

Respectfully submitted,

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